

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROBERT HOPKINS, III,

Plaintiff,

v.

DEPARTMENT OF DEFENSE,

Defendant.

No. 3:22-CV-00706-C

**DEFENDANT’S CONSENT MOTION TO EXTEND AND
FOR LEAVE TO FILE CONSOLIDATED BRIEF**

Defendant the Department of Defense (“the Department”) respectfully requests that the Court grant the Department leave to file a single consolidated brief responding to Plaintiff’s motion for leave to file an amended complaint, ECF No. 71, and replying in support of the Department’ motion to dismiss and for summary judgment, ECF No. 32, and that the Court grant the Department an extension to file this consolidated brief until June 27, 2025. In addition, the Department respectfully requests that the Court grant Plaintiff an extension to file his reply in support of his motion to amend by August 5, 2025. Counsel for the Department has conferred with counsel for Plaintiff, who has indicated that Plaintiff consents to the relief requested herein. As good cause in support of this motion, the Department represents the following:

1. Plaintiff filed this lawsuit on March 27, 2022. *See* Compl., ECF No. 1.
2. The Department filed a motion to dismiss and for summary judgment on October 4, 2023. ECF No. 32. On March 24, 2025, this Court dismissed Plaintiff's complaint in full with prejudice for failure to prosecute. ECF No. 47.
3. On February 14, 2025, the United States Court of Appeals for the Fifth Circuit reversed the dismissal and remanded the case back to this Court for further proceedings. *See Hopkins v. United States of America*, No. 24-10462 (5th Cir. Feb. 14, 2025). Accordingly, on March 12, 2025, this Court vacated its prior judgment, ECF No. 48, and entered a scheduling order for briefing on the Department's motion to dismiss and for summary judgment, ECF No. 60.
4. Plaintiff filed his response to the Department's motion on April 15, 2025. ECF No. 73. Pursuant to the currently operative scheduling order, the Department may file a reply, if it so chooses, by June 13, 2025. *Id.*
5. Four days prior to filing his response to the Department's motion, on April 11, 2025, Plaintiff moved for leave to file an amended complaint. ECF No. 71. Pursuant to the Local Rules, the Department's response to Plaintiff's motion is due on May 2, 2025. *See* Local Civil Rule 7.1(e).
6. The Department requests that the Court grant leave for the Department to file a consolidated brief responding to Plaintiff's motion for leave to file an

amended complaint, and replying in support of the Department's motion to dismiss and for summary judgment. In addition, the Department requests that the Court grant the Department an extension of time to file such consolidated brief until June 27, 2025. This extension constitutes a eight-week extension of the Department's May 2, 2025 deadline to respond to Plaintiff's motion for leave to file an amended complaint; and a two-week extension of the Department's June 13, 2025 deadline to file a reply in support of the Department's motion to dismiss and for summary judgment.

7. In turn, the Department also requests an extension of Plaintiff's reply in support of his motion to amend. Under the Local Rules, should the Department file its response to Plaintiff's motion to amend on June 27, 2025, Plaintiff's reply would be due on July 11, 2025. *See* Local Civil Rule 7.1(f). The Department requests that Plaintiff's reply be filed, should he choose to file one, by August 5, 2025.
8. The Department seeks to file a consolidated brief in the interest of preserving party and Court resources. The Department anticipates arguing that the Court should deny Plaintiff's motion for leave to amend as futile. These arguments will substantially, if not entirely, overlap with the Department's arguments in its reply in support of its motion to dismiss and for summary judgment.

Accordingly, it would be the most efficient use of party and Court resources to brief and consider these arguments in consolidated briefing.

9. The Department seeks the extensions due to the press of other work obligations on undersigned counsel, who are both newly assigned to this case and who are the sole two line attorneys assigned to this case. Moreover, Mr. Bickford is out of the office from April 22 through May 4, 2025, and Ms. Snyder will be out of the office from April 30 through May 7. More generally, counsel for the Department faces a significantly increased workload of late, as the Federal Programs Branch at the Department of Justice has faced reduced staffing levels and increased caseloads.

10. Counsel for Plaintiff has indicated that Plaintiff consents to the relief requested herein.

Accordingly, the Department requests that the Court grant the Department leave to file a single consolidated brief responding to Plaintiff's motion for leave to file an amended complaint and replying in support of the Department's motion to dismiss and for summary judgment by June 27, 2025; and grant Plaintiff an extension to file his reply in support of his motion to amend by August 5, 2025.

Date: April 30, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

MARCIA BERMAN
Assistant Director

/s/ Cassandra. M. Snyder

JAMES BICKFORD

N.Y. Bar No. 5163498

CASSANDRA M. SNYDER

D.C. BAR NO. 1671667

Trial Attorneys

United States Department of Justice

Civil Division

Federal Programs Branch

1100 L Street, NW

Washington, DC 20530

James.Bickford@usdoj.gov

Telephone: (202) 305-7632

Facsimile: (202) 616-8470

Counsel for Defendant

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